

CHAPTER 31 TREE REGULATIONS

SECTIONS:

- 31-1-1 PURPOSE
- 31-1-2 DEFINITIONS
- 31-2-1 CREATION OF BEAUTIFICATION AND SHADE TREE COMMISSION
- 31-2-2 TERMS OF OFFICE
- 31-2-3 COMPENSATION
- 31-2-4 DUTIES AND RESPONSIBILITIES
- 31-2-5 OPERATION
- 31-3-1 STREET TREE SPECIES TO BE PLANTED
- 31-3-2 NEW RESIDENTIAL, INDUSTRIAL OR COMMERCIAL DEVELOPMENT
- 31-3-3 STREET TREE SPACING
- 31-3-4 DISTANCE FROM CURB AND SIDEWALK
- 31-3-5 DISTANCE FROM STREET CORNERS
- 31-3-6 UTILITIES
- 31-4-1 PUBLIC TREE CARE
- 31-4-2 PRIVATE PROPERTY OWNER RESPONSIBILITIES
- 31-4-3 TREE TOPPING
- 31-4-4 PRUNING CORNER CLEARANCE
- 31-4-5 DEAD OR DISEASED TREE REMOVED ON PRIVATE PROPERTY
- 31-4-6 REMOVAL OF STUMPS
- 31-5-1 INTERFERENCE PROHIBITED
- 31-6-1 PERMITS REQUIRED
- 31-7-1 REVIEW BY CITY COUNCIL
- 31-8-1 PENALTY

Sec. 31-1-1 PURPOSE.

This Chapter is intended to create a master plan to direct tree planting, maintenance and removal within Grantsville City. This Chapter establishes policies, regulations and standards to ensure that the City will continue to realize the benefits provided by its community forest. This Chapter is also intended to establish and maintain the maximum amount of tree cover on public areas in the City, maintain City trees in a healthy and non-hazardous condition through the adoption and implementation of standards and specifications developed by the City's Beautification and Shade Tree Commission, to assist in the dissemination of information regarding trees and landscaping and to encourage community involvement in the beautification of both public and private property within Grantsville City.

Sec. 31-1-2 DEFINITIONS.

The definitions referred to in this Section shall apply to the terms used in this Chapter.

(1) The term "Street Trees" as used in this Chapter are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the City.

(2) The term "Park Trees" as used in this Chapter are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks and all areas owned by the City, or to which the public has free access as a park.

Sec. 31-2-1 CREATION OF BEAUTIFICATION AND SHADE TREE COMMISSION.

There is hereby created and established a City Beautification and Shade Tree Commission for Grantsville City, Utah which shall consist of five members, who shall be citizens and residents of this City, and who shall be appointed by the Mayor with the approval of the City Council. The Mayor shall also appoint an employee of the Public Works Department and a City Council Member to work with the Commission.

Sec. 31-2-2 TERMS OF OFFICE.

The term of the five persons to be appointed to the City Beautification and Shade Tree Commission by the Mayor shall be three years, except that the term of two of the members appointed to the first board shall be for only one year and the term of two members appointed to the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

Sec. 31-2-3 COMPENSATION.

Members of the Board shall serve without compensation.

Sec. 31-2-4 DUTIES AND RESPONSIBILITIES.

It shall be the responsibility of the City Beautification and Shade Tree Commission to study, investigate, counsel and develop and/or update annually, and administer a written City Forest Plan for the care, preservation, pruning, planting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan shall be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive City Forest Plan for Grantsville City, State of Utah. The Commission, when requested by the City Council shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work. The Commission shall assist in the dissemination of news and information regarding trees and landscaping within the City and encourage community involvement in the beautification of Grantsville. The Commission or its Chairman shall review and be given an opportunity to make comments and recommendations upon all commercial, residential or other new developments proposed in the City. The Commission shall also be authorized to pursue funding from public and private sources to implement this Chapter and to recommend the allocation and expenditure of said funds.

Sec. 31-2-5 OPERATION.

The City Beautification and Shade Tree Commission shall choose its own officers, make its own rules of procedure and keep minutes of its proceedings. A majority of the members shall constitute a quorum for the transaction of business.

Sec. 31-3-1 STREET TREE SPECIES TO BE PLANTED.

The list of trees found in the City Forest Plan constitutes the official Street Tree species for Grantsville City, Utah. No species other than those included in this list may be planted as Street Trees without written permission of the City Beautification and Shade Tree Commission.

Sec. 31-3-2 NEW RESIDENTIAL, INDUSTRIAL OR COMMERCIAL DEVELOPMENT.

Each owner or developer of property adjoining a City street or right-of-way is encouraged to be responsible for new Street Tree planting and irrigation, which may be a condition for development approval, if otherwise required by Grantsville City Ordinances. The owner or developer is encouraged to acquire, plant and provide irrigation for Street Trees in the public right-of-way, no smaller than 1 ½ inch caliper. All Street Trees shall conform in species and spacing to the City Forest Plan. The City shall notify the owner or developer of the recommendations of this Section, prior to development approval.

Sec. 31-3-3 STREET TREE SPACING

The spacing of Street Trees will be in accordance with the tree species size classes listed in the City Forest Plan and any exceptions must be approved by the City Beautification and Shade Tree Commission.

Sec. 31-3-4 DISTANCE FROM CURB AND SIDEWALK.

The distance trees may be planted from curbs or sidewalks shall be in accordance with the tree species size classes listed in the City Forest Plan.

Sec. 31-3-5 DISTANCE FROM STREET CORNERS.

No Street Tree shall be planted closer than 25 feet of a street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of a fire hydrant.

Sec. 31-3-6 UTILITIES.

No Street Trees other than those species listed as Small or Medium Trees in the City Forest Plan may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Sec. 31-4-1 PUBLIC TREE CARE.

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, rights-of-way, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City Tree Commission with approval of the City Maintenance Department Supervisor, may remove, cause to be removed or order to be removed, any street tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 31-3-1 through 31-3-6 of this Chapter.

Sec. 31-4-2 PRIVATE PROPERTY OWNER RESPONSIBILITIES.

Any owner or occupier of private property, abutting City parking/planting strips, or the area between their property and the street or right-of-way shall have the following responsibilities:

- (A) Provide periodic watering and fertilization of street trees when necessary to maintain good health and vigor.
- (B) Provide protection of street trees against damage caused by lawn mowers, weed trimmers, snow blowers and similar equipment.
- (C) Maintain the area to the paved street in a neat, clean, orderly and healthy condition. This is meant to include weeding, removal of litter, mowing lawns or native grasses and the replacement of any dead trees.

Sect 31-4-3 TREE TOPPING.

It shall be unlawful as a normal practice for any person or company, with the exception of the City Maintenance Department, to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or

certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Section at the determination of the Beautification and Shade Tree Commission.

Sec. 31-4-4 PRUNING - CORNER CLEARANCE.

Every owner or person responsible for any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owner or responsible party shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

Sec. 31-4-5 DEAD OR DISEASED TREE REMOVED ON PRIVATE PROPERTY.

The City shall have the right to recommend the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The City Beautification and Shade Tree Commission shall provide notice in writing to the owners of such trees and their recommendation to remove the same.

Sec. 31-4-6 REMOVAL OF STUMPS.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

SEC. 31-5-1 INTERFERENCE PROHIBITED.

It shall be unlawful for any person to prevent, delay or interfere with the City or the Beautification and Shade Tree Commission, or any of their agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized by this Chapter.

SEC. 31-6-1 PERMITS REQUIRED.

It shall be unlawful for any person, or company to engage in the commercial business or occupation of pruning, treating, or removing Street or Park Trees when said trees are adjacent to another person's property within the City without first applying for and procuring a permit. No permit shall be required by City employees or the owner or tenant of property that adjoins street trees, from doing such pruning or work on Street or Park Trees as is authorized by this Ordinance. Any utility company that intends to prune or remove Street or Park Trees within their easements shall first meet and consult with the City Beautification and Shade Tree Commission and obtain a permit each year before any such work is performed.

SEC. 31-7-1 REVIEW BY CITY COUNCIL.

The City Council shall have the right to review the conduct, acts and decisions of the City Beautification and Shade Tree Commission. Any person may appeal from any ruling or order of the City Beautification and Shade Tree Commission to the City Council, who may hear the matter and make a final decision.

SEC. 31-8-1 PENALTY.

Any person violating any provision of this Chapter shall be guilty of an infraction and shall be subject to a fine of not more than \$750.00.

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